

IN THE CIRCUIT COURT
OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CASE NO.: 2024-022769-CA-01
SECTION: CA02

KP INVESTMENTS MIAMI, LLC, a Florida Limited Liability Company,
Plaintiff,

v.

MARIO MIRABAL,
Defendant.

DEFENDANT' S EMERGENCY MOTION TO STAY NOVEMBER 6,
2025 HEARING PENDING FEDERAL PROCEEDINGS AND
DEPARTMENT OF JUSTICE REVIEW

I. INTRODUCTION

Defendant Mario Mirabal, pro se, respectfully moves this Court for an emergency stay of the summary-judgment hearing scheduled for November 6, 2025 at 2:30 PM. The requested stay is necessary to preserve Defendant's constitutional rights and to prevent irreparable harm while related federal actions and Department of Justice review remain pending.

II. BASIS FOR REQUEST

Three federal cases in the United States District Court for the Southern District of New York involve the same facts, property, and parties:

- Mirabal v. Deutsche Bank Nat'l Trust Co., 1:25-cv-07418-LJL-OTW (42 U.S.C. § 1983)
- Mirabal v. Deutsche Bank Nat'l Trust Co., 1:25-cv-07419-LJL (RICO – 18 U.S.C. §§ 1962(c),(d))
- Mirabal v. Deutsche Bank Nat'l Trust Co., 1:25-cv-07423-LJL-OTW (Collateral / Protective Case)

The U.S. Marshals Service has been directed to serve John Cunill, Amarilis Adorno, and Adorno & Cunill PL, all of whom appear in this state case as counsel for Plaintiff KP Investments Miami LLC. Marshal service returns are on file in the federal docket, and service attempts are ongoing.

On October 16, 2025, Defendant filed in this Court a Notice of Federal Referral and Pending DOJ Review, confirming that the U.S. Attorney's Office for the Southern District of New York is reviewing the same transactions and actors for potential criminal RICO and civil-fraud liability.

Proceeding with a summary-judgment hearing under these circumstances would permit federally named defendants to litigate adversely against a federal whistleblower while under active Department of Justice review — a clear conflict with the Supremacy Clause of the United States Constitution (U.S. Const. art. VI, cl. 2).

Defendant will suffer irreparable harm if the hearing proceeds. This hearing would undermine federal jurisdiction now seized of the matter.

III. ARGUMENT

Florida courts possess inherent authority to stay proceedings to avoid interference with federal jurisdiction and to preserve judicial integrity. See *State ex rel. Price v. McCord*, 380 So. 2d 1037 (Fla. 1980).

Under Fla. R. Civ. P. 1.550(c) and the Court's equitable powers, a stay is appropriate where continuing would cause irreparable harm or violate constitutional protections.

The pending federal cases concern the same title and chain of assignment now before this Court. Proceeding here would create conflicting jurisdictions and risk nullifying the federal court's authority under the Supremacy Clause.

IV. RELIEF REQUESTED

Defendant respectfully moves this Court to:

Stay the summary-judgment hearing scheduled for November 6, 2025, and all related proceedings, pending resolution of the federal cases and Department of Justice review.

V. CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via the Florida Courts E-Filing Portal and by e-mail on October 2, 2025, to:

John Cunill, Esq.

Respectfully submitted,

/s/ Mario Mirabal

Mario Mirabal, Pro Se Defendant

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October 27, 2025